

CONNECTICUT CONFERENCE OF MUNICIPALITIES

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TESTIMONY

OF THE

CONNECTICUT CONFERENCE OF MUNICIPALITIES

TO THE

LABOR AND PUBLIC EMPLOYEES COMMITTEE

February 20, 2007

The Connecticut Conference of Municipalities (CCM) appreciates the opportunity to testify on the following bill of interest to towns and cities.

Proposed H.B. 6296, "An Act Concerning the Definition of Municipal Department Head"

This bill would exclude certain municipal department heads from joining unions by amending the municipal employee collective bargaining statutes to clarify the definition of "department head."

CCM supports H.B. 6296 and urges the committee to change the definition of "department" in CGS Section 7-467 (5), specifically the term "major," to ensure it refers to:

- (1) A department of importance to the municipality, rather than construing that a department have significant financial impact based on the proportion of its budget, and
- (2) To the purview of the department.

CCM also urges the committee to change the definition of "department head" in CGS Section 7-467 (4), specifically the term "substantial," to ensure it refers to:

- (1) A position of importance to the municipality, rather than construing that a position have significant financial impact on the municipality, and
- (2) Staff reporting directly to the chief executive officer and staff directly supervised by a board or commission.

Current law dimly defines "department" as being a "major functional division in a municipal organization..." This vague definition allows for some municipal department heads, such as town assessors, public works directors, or planning and zoning directors, to participate in collective bargaining.

For example, despite the fact that one of the *major* responsibilities of a town assessor is to oversee statemandated property revaluations – assessors' departmental budgets are significantly smaller compared to their towns' overall municipal budgets – and therefore, their departments are not considered "major," thus allowing such managers to join collective bargaining units. As a result, these department heads fall

within the loophole of current state law and participate in management discussions and negotiations, while also participating in union discussions and negotiations.

Current law also does not distinguish between department head and senior staff. Statutory definitions label a department head as an employee who has "substantial supervisory control..." This definition fails to recognize that persons who report directly to a municipal CEO, board or commission are reasonably understood to be municipal management.

The terms "major" and "substantial" are ambiguous and often misinterpreted. Construing these terms to mean fiscally large and as having a direct correlation to the overall function of government, and not to include senior staff, is a misjudgment.

Using counterparts in state government as an example, in FY 06 the percentage of the State Department of Emergency Management & Homeland Security's (DEMHS) budget of the General Fund is .27%, while the percentage of the State Department of Economic & Community Development's (DECD) of the General Fund is .19%.

There is little argument that the Commissioners of DEMHS and DECD do not have *substantial* influence in state government, despite their departments' small percentage of the General Fund. There is also little argument that these departments do not conduct *major* functions on behalf of the State, despite their small percentages of the General Fund. Yet, it would be inconceivable and grossly counterproductive to allow these Commissioners, and their senior staffs, to participate in state employee collective bargaining.

H.B. 6296 is a long-time priority of CCM. It is a common sense proposal that would add clarity to the local collective bargaining process.

H.B. 6296 would alleviate unwarranted conflicts of interest during local collective bargaining and would be a no-cost way for the State to enable municipal CEOs to have more control over municipal management.

CCM urges the committee to vote favorably on H.B. 6296.



If you have any questions, please call Bob Labanara or Ron Thomas of CCM, at (203) 498-3000.